TITLE 42 - THE PUBLIC HEALTH AND WELFARE
CHAPTER 6A - PUBLIC HEALTH SERVICE
SUBCHAPTER XXX - COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS

§ 300ll–1. Definitions

In this subchapter:

(1) **Active enrollee**

The term “active enrollee” means an individual who is enrolled in the CLASS program in accordance with section 300ll–3 of this title and who has paid any premiums due to maintain such enrollment.

(2) **Actively employed**

The term “actively employed” means an individual who—

(A) is reporting for work at the individual’s usual place of employment or at another location to which the individual is required to travel because of the individual’s employment (or in the case of an individual who is a member of the uniformed services, is on active duty and is physically able to perform the duties of the individual’s position); and

(B) is able to perform all the usual and customary duties of the individual’s employment on the individual’s regular work schedule.

(3) **Activities of daily living**

The term “activities of daily living” means each of the following activities specified in section 7702B(c)(2)(B) of title 26:

(A) Eating.

(B) Toileting.

(C) Transferring.

(D) Bathing.

(E) Dressing.

(F) Continence.

(4) **CLASS program**

The term “CLASS program” means the program established under this subchapter.

(5) **Eligibility Assessment System**

The term “Eligibility Assessment System” means the entity established by the Secretary under section 300ll–4(a)(2) of this title to make functional eligibility determinations for the CLASS program.

(6) **Eligible beneficiary**

(A) **In general**

The term “eligible beneficiary” means any individual who is an active enrollee in the CLASS program and, as of the date described in subparagraph (B)—

(i) has paid premiums for enrollment in such program for at least 60 months;

(ii) has earned, with respect to at least 3 calendar years that occur during the first 60 months for which the individual has paid premiums for enrollment in the program, at least an amount equal to the amount of wages and self-employment income which an individual must have in order to be credited with a quarter of coverage under section 213(d) of the Social Security Act [42 U.S.C. 413 (d)] for the year; and

(iii) has paid premiums for enrollment in such program for at least 24 consecutive months, if a lapse in premium payments of more than 3 months has occurred during the period that begins on the date of the individual’s enrollment and ends on the date of such determination.

(B) **Date described**
For purposes of subparagraph (A), the date described in this subparagraph is the date on which the individual is determined to have a functional limitation described in section 300ll–2 (a)(1)(C) of this title that is expected to last for a continuous period of more than 90 days.

(C) Regulations

The Secretary shall promulgate regulations specifying exceptions to the minimum earnings requirements under subparagraph (A)(ii) for purposes of being considered an eligible beneficiary for certain populations.

(7) Hospital; nursing facility; intermediate care facility for the mentally retarded; institution for mental diseases

The terms “hospital”, “nursing facility”, “intermediate care facility for the mentally retarded”, and “institution for mental diseases” have the meanings given such terms for purposes of Medicaid.

(8) CLASS Independence Advisory Council

The term “CLASS Independence Advisory Council” or “Council” means the Advisory Council established under section 300ll–6 of this title to advise the Secretary.

(9) CLASS Independence Benefit Plan

The term “CLASS Independence Benefit Plan” means the benefit plan developed and designated by the Secretary in accordance with section 300ll–2 of this title.

(10) CLASS Independence Fund

The term “CLASS Independence Fund” or “Fund” means the fund established under section 300ll–5 of this title.

(11) Medicaid

The term “Medicaid” means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(12) Poverty line

The term “poverty line” has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj (c)(5)).

(13) Protection and Advocacy System

The term “Protection and Advocacy System” means the system for each State established under section 15043 of this title.


References in Text

The Social Security Act, referred to in par. (11), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title XIX of the Act is classified generally to subchapter XIX (§ 1396 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.